

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	0

MR. SPEAKER:

*Your Committee on Roads and Transportation, to which was referred House Bill 1269, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 8, after line 18, begin a new paragraph and insert:
- 2 "**(c) The failure to comply with subsection (a) or (b) does not**
- 3 **constitute fault under IC 34-51-2 and does not limit the liability of**
- 4 **an insurer.**
- 5 **(d) Except as provided in subsection (e), evidence of the failure**
- 6 **to comply with subsection (a) or (b) may not be admitted in a civil**
- 7 **action to mitigate damages.**
- 8 **(e) Evidence of a failure to comply with subsection (a) or (b)**
- 9 **may be admitted in a civil action as to mitigation of damages in a**
- 10 **product liability action involving:**
- 11 **(1) a windshield wiper system;**
- 12 **(2) head lamps; or**
- 13 **(3) other illumination devices.**
- 14 **(f) The defendant in an action described in subsection (e) has the**
- 15 **burden of proving:**
- 16 **(1) noncompliance with subsection (a) or (b);**

1 **(2) that compliance with subsection (a) or (b) would have**
 2 **reduced injuries; and**

3 **(3) the extent that compliance with subsection (a) or (b) would**
 4 **have reduced injuries.**

5 SECTION 12. IC 9-21-7-13 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. **(a) Except as**
 7 **provided in subsection (b),** a person who violates this chapter
 8 commits a Class C infraction.

9 **(b) A person who violates section 2(a) of this chapter commits**
 10 **a Class D infraction.**

11 **(c) The bureau may not assess points under the point system for**
 12 **a violation of section 2(a) of this chapter.**

13 **(d) A violation of section 2(a) of this chapter may not be**
 14 **included in a determination of habitual violator status under**
 15 **IC 9-30-10-4."**

(Reference is to HB 1269 as introduced.)

and when so amended that said bill do pass.

Representative Austin